

CHAPTER 18

SUBDIVISION AND PLATTING

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18.01 **INTRODUCTION.**

- (1) **AUTHORITY.** These regulations are adopted under the authority granted by §236.45, Wis. Stats.
- (2) **PURPOSE.** The purpose of this chapter is to regulate and control the division of land within the corporate limits of the City and its extraterritorial plat approval jurisdiction in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the City and its environs.
- (3) **INTENT.** It is the general intent of this chapter to regulate the division of land so as to:
 - (a) Obtain the wise use, conservation, protection and proper development of the City's soil, water, wet-land, woodland and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base.
 - (b) Lessen congestion in the streets and highways.
 - (c) Further the orderly layout and appropriate use of land.
 - (d) Secure safety from fire, panic and other dangers.
 - (e) Provide adequate light and air.
 - (f) Facilitate adequate provision for housing, transportation, water supply, storm water, wastewater, schools, parks, playgrounds and other public facilities and services.
 - (g) Secure safety from flooding, water pollution, disease and other hazards.
 - (h) Prevent flood damage to persons and properties and minimize expenditures for flood relief and flood control projects.
 - (i) Prevent and control erosion, sedimentation and other pollution of surface and subsurface waters.
 - (j) Preserve natural vegetation and cover and promote the natural beauty of the City.
 - (k) Restrict building sites in areas covered by poor soils or in other areas poorly suited for development.
 - (l) Facilitate the further division of larger tracts into smaller parcels of land.
 - (m) Ensure adequate legal description and proper survey monumentation of subdivided land.
 - (n) Provide for the administration and enforcement of this chapter.
 - (o) Provide penalties for its violation.
 - (p) Implement those City, County, watershed or regional comprehensive plans or their components adopted by the City; in general, to facilitate enforcement of City development standards as set forth in the adopted regional, County and City comprehensive plans, adopted plan components, the Zoning Code, the Official Map and the Building Code of the City.
 - (q) Maintain the quality of the environment and protect the groundwater from contamination and pollution, maintain the orderly layout and use of land and prevent undue concentration of population using

private sanitary systems, to insure the best possible environment for human occupation, and to prevent urban sprawl in areas not served by public sanitary sewer service. (1909 06/11/97)

- (4) **ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this chapter imposes greater restrictions, the provisions of this chapter shall govern.
- (5) **INTERPRETATION.** In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
- (6) **NONLIABILITY.** The City does not guarantee, warrant or represent that those soils listed as being unsuited for specific uses are the only unsuitable soils in the City and its extraterritorial plat review jurisdiction. Furthermore, the City does not guarantee, warrant or represent that only those areas designated as floodlands will be subject to periodic inundation. The City hereby asserts that there is no liability on the part of the City, its agencies or its employees for sanitation problems, structural damage or flood damages that may occur as a result of reliance upon, and conformance with, this chapter.
- (7) **TITLE.** This chapter shall be known as, referred to or cited as the "Subdivision and Platting Code, City of Baraboo, Sauk County, Wisconsin."

18.02 GENERAL PROVISIONS.

- (1) **JURISDICTION.** Jurisdiction of these regulations shall include all lands within the corporate limits of the City and those lands within the extraterritorial jurisdiction of the City as established in §62.23(2) and 66.0105, Wis. Stats. The provisions of this chapter, as it applies to divisions of tracts of land into less than 5 parcels, shall not apply to the following:
 - (a) Transfers of interests in land by will or pursuant to court order.
 - (b) Leases for a term not to exceed 10 years, mortgages or easements.
 - (c) Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by these regulations, the zoning ordinances or other applicable laws or ordinances.
 - (d) Cemetery plats made under §157.07, Wis. Stats.

- (e) Assessors' plats made under §70.27, Wis. Stats., but such assessors' plats shall comply with §236.15(1) (a) to (g) and 236.20(1) and (2)(a) to (e), Wis. Stats.

- (2) **COMPLIANCE.** No person, firm or corporation shall divide any land located within the corporate limits of the City of Baraboo or within the extraterritorial plat approval jurisdiction thereof which shall result in a subdivision, minor land division or replat as defined herein without complying with the provisions of Ch. 236, Wis. Stats. and the requirements of this chapter, whichever is more restrictive. This chapter shall apply to Condominiums created under Wis. Stats. Ch. 703, the Condominium Ownership Act, where an actual subdivision or minor land division results. No subdivision, minor land division or replat shall be entitled to be recorded and no street shall be laid out nor building permit issued where a subdivision, minor land division or replat results without compliance with the provisions of Ch. 236, Wis. Stats. and the requirements of this chapter, whichever is more restrictive. All subdivisions, minor land divisions and replats shall further comply with the following: (1909 06/11/97)
 - (a) Ch. 236, Wis. Stats. and the provisions of this chapter, whichever is more restrictive.
 - (b) The rules and regulations contained in the Wis. Admin. Code and the State Statutes for land divisions not served by public sanitary sewer system, except the minimum lot or parcel size requirements of this chapter shall control for lots or parcels not served by a public sanitary sewer system.
 - (c) The rules of the Division of Highways, Wisconsin Department of Transportation contained in the Wis. Admin. Code for Subdivisions and minor land divisions relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned and controlled by the subdivider abuts on a state trunk highway or connecting street.
 - (d) The rules of the Wisconsin Department of Natural Resources contained in the Wis. Admin. Code setting water quality standards preventing and abating pollution and regulating development within floodland, wetland and shoreland areas.
 - (e) Comprehensive plans or components of such plans prepared by state, county or municipal agencies duly adopted by the Common Council of the City of Baraboo.

- (f) All applicable local and county regulations, including zoning, sanitary, building and official mapping ordinances, except the subdivider shall comply with the minimum lot or parcel size requirements of this chapter for lots and not served by a public sanitary system.
- (g) A developer's or subdivider's agreement between the City and the developer or subdivider.
- (h) Except to the extent expressly set forth in this chapter, all applicable regulations contained in the Wis. Admin. Code not listed in this subsection.
- (i) The requirements of City departments as determined during review of the subdivision or minor land division.
- (j) The City's sewer and water rules and regulations concerning sewer and water installations and services. These rules and the City's sewer and water use ordinances are incorporated herein by reference and made a part hereof as though fully set forth herein.
- (k) Except for lots and parcels not served by a public sanitary sewer system, minimum lot size and width requirements shall conform to the area and width requirements prescribed for the zoning district in which the property is located.
- (l) The City of Baraboo Master Plan and Official Map, or components hereof:
 1. Whenever a parcel to be subdivided embraces any part of a street, highway or green way designated in said Master Plan or Official Map, such part of such proposed public way shall be platted and dedicated by the Subdivider in the location and the width indicated along with all other streets in the Subdivision.
 2. When a proposed school site or other public grounds shown on the Master Plan or Official Map of the City of Baraboo is located in whole or in part within the proposed subdivision or minor land division, such proposed public ground or park may be dedicated to the public, or reserved for a period of five years from the date of approval of the final plat or minor land division for the acquisition by the City of Baraboo, Sauk County, Wisconsin, the township in which it is located,

or any other appropriate agency having the authority to purchase said property. The City or agency having authority to purchase said property and the subdivider shall enter into an agreement, which provides for the purchase of the lands held in reserve prior to the conclusion of the five-year period.

(3) DEDICATION AND RESERVATION OF LANDS.

(a) Streets, Highways and Drainageways.

Whenever a tract of land to be divided encompasses all or any part of an arterial street, public drainageway or other public way which has been designated in the General Plan, Plan Component or on the Official Map of the City, said public way shall be made a part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan or component and as set forth in §18.07 of this chapter. Streets within the extraterritorial plat review jurisdiction of the City shall be dedicated by the subdivider to the appropriate town. Should the town require less dedication than is specified by §18.07 of this chapter or by the Official Map, the excess right-of-way shall be reserved for future acquisition by the City.

- (b) Other Public Sites. Whenever any portion of a proposed park or other public land, other than streets or drainageways, designated in the Comprehensive Plan, the Official Map, or adopted plan components of the City is included within any tract of land proposed to be subdivided or platted, including a condominium plat, these proposed public lands shall be made a part of the plat and shall be dedicated to the City by the subdivider as provided in §18.07(10) of this chapter. (2144 03/09/04)

- (4) IMPROVEMENTS. Before final approval of any plat or certified survey map, the subdivider shall enter into an agreement with the City to install the required improvements and shall file with the subdivider's agreement an irrevocable letter of credit or other appropriate sureties meeting the approval of the City Attorney equal to the estimated cost of the improvements. Improvement cost estimates shall be made by the developer, re-viewed by the City Engineer and approved by the Council. The improvements may be installed after approval of a preliminary plat or certified survey map by the subdivider or his subcontractors, but not later than one year from the date of recording of the final plat or certified survey map, or as

provided in the subdivider's agreement. The subdivider's agreement shall specify a completion date for all improvements. In addition: (1871 05/14/96)

- (a) Plans and specifications for all improvements shall be reviewed and approved by the City Engineer, in writing, prior to commencement of construction. The subdivider may submit an interim final plat or certified survey map with the improvement plans; however, review and approval of a final plat or certified survey map shall not be initiated until the improvement plans have been reviewed and approved and until the subdivider's agreement has been fully executed.
- (b) Contracts and contract specifications for the construction of street and utility improvements on dedicated street rights of way, as well as the contractors and subcontractors, providing such work shall be subject to the prior written approval of the City Engineer in accordance with City standards and specifications.
- (c) Governmental units to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.
- (d) Before final approval of any plat or certified survey map within the City or its extraterritorial jurisdictional limits, the subdivider shall install survey monuments placed in accordance with the requirements of §236.15, Wis. Stats., and as may be required by the City Engineer.
- (e) Prior to the acceptance of a final plat or certified survey map, the subdivider shall furnish, when required by the City, a consent and waiver of the statutory provisions for special assessments for the installation of sanitary sewer, storm sewer, sewer laterals, water main, water laterals, curb and gutter, sidewalks, street surfacing, underground street lighting services and all other utilities, which shall be in a form approved by the City Attorney, pursuant to §66.0703(7)(b), Wis. Stats., and shall be recorded in the office of the Register of Deeds in the same manner as a lis pendens. Such consent and waiver shall provide that the installation of such services shall be made at the discretion of the Council.

(5) VARIANCES.

- (a) Granting of Variances. Where, in the judgment of the Common Council, after

report and recommendation by the Plan Commission, it would be inappropriate, owing to special conditions, to apply literally the provisions of subs. (6) below and §§18.07 and 18.08 of this chapter and/or the lot size, minimum yard dimensions or maximum lot coverage of the Zoning Code, because an unnecessary hardship would result, the Common Council may waive or modify any such requirement to the extent deemed just and proper so that substantial justice may be done and the public interest served. Application for any such variance shall be made in writing by the subdivider to the City Clerk at the time the preliminary plat or certified survey map is filed for consideration. The application shall include a statement with supporting evidence showing that the proposed variance shall conform to the standards set forth in this subsection and shall further include such additional information deemed necessary to determine and provide for the enforcement of this chapter as may be required by the Plan Commission, the Common Council, or officers of the City. Applications for variances under this subsection shall require the pre-payment of a fee as provided in §18.10 of this chapter. Upon receipt of the required fee, application and supporting materials, the Plan Commission shall hold a public hearing at such time and place as shall be established by the Plan Commission. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 1 Notice under the Wisconsin Statutes in the official City newspaper at least one week before the date of the hearing. Notice of the time, place and purpose of such public hearing shall also be sent to the subdivider, and to the property owners of records as listed in the office of the City Assessor who are owners of each tax parcel situated in whole or in part within 100 feet of the boundaries of the site. This notice shall be mailed by first class mail at least 10 days prior to the date of such public hearing to the address of each owner as shown in the City Assessor's records for each affected tax parcel. Failure to comply with the foregoing publication and/or notice provisions or the failure of a person to receive notice shall not, however, invalidate any previous or subsequent action on the variance. The party requesting the variance shall carry the burden to prove to a reasonable certainty to the satisfaction of the Plan Commission that the facts and circumstances of the application establish

an unnecessary hardship exists due to unique physical characteristics of the property and that the granting of the variance will neither harm the public interest nor undermine the purposes of the City Codes. In order to prove unnecessary hardship, the following three standards must be proven. (1909 06/11/97)

1. Compliance with the strict letter of the applicable restriction would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. Under this standard, the Plan Commission must judge what is a feasible use for the property as a whole and a variance is not warranted if the physical character of the property will allow the owner to build or develop the property in compliance with the applicable Codes; and
2. The hardship or difficulty must relate to the unique physical characteristics of the property and the hardship or difficulty must be peculiar to the property in question and different from that of other parcels and not one which affects all parcels similarly, nor must the hardship be self-imposed nor must the hardship or difficulty be due solely to the desires of or conditions personal to the applicant, such as the desire to increase the value or income potential of the property; and
3. The granting of a variance must neither harm the public nor undermine the purposes of the City Codes. The Plan Commission shall protect the interests of the public at large and shall preserve the enjoyment of substantial property rights possessed by other properties in the same district and the same vicinity. A lack of local opposition shall not in itself mean that a variance will not harm the public interest.
4. After conducting the public hearing, the Plan Commission shall make a written report and recommendation to the Common Council. After receiving the Plan Commission's report and recommendation, the Common Council may grant such variances to the extent and upon such terms as deemed just and

proper such that the spirit of the Codes is observed, public safety and welfare secured and substantial justice done. Unless otherwise expressly directed by the Council, no public hearing shall be held before the Council to consider the granting or denial of a variance under this chapter.

- (b) Monuments. The Council may waive the placing of monuments, required under §236.15(1)(b), (c) and (d), Wis. Stats., for a reasonable time on condition that the subdivider execute a surety bond or irrevocable letter of credit to insure the placing of such monuments within the required time limits established by the City.

- (6) LAND SUITABILITY. No land shall be divided or subdivided for a use which is held unsuitable by the Plan Commission for reason of flooding or potential flooding, soil limitations, inadequate drainage, steep topography, incompatible surrounding land use, or any other condition likely to be harmful to the health, safety or welfare of the future residents or users of the area, or harmful to the community. (2045 01/09/2001)

- (a) Except as provided herein, the Plan Commission shall determine land suitability prior to the time the preliminary plat or certified survey is considered for approval, following review and recommendations by the appropriate City Commissions and Committees. The Plan Commission may impose special conditions in the plat or certified survey map deemed necessary to protect the health, safety or welfare of future residents of the area. The areas which are found to be environmentally sensitive shall be considered for preservation as open space. The determination of land suitability will be evaluated through the Environmental Assessment Procedures set forth in §18.03(b) of this Code. The subdivider shall furnish such maps, data and information as may be necessary to make a determination of land suitability.
- (b) Should the Plan Commission determine that the land is unsuitable for the intended use or development, it shall state its reasons in writing to the subdivider within 45 days of initial Plan Commission action. The subdivider may present additional evidence to support the proposed subdivision. Upon review of the additional evidence, the Plan Commission shall affirm, modify, or withdraw its determination of unsuitability.

- (c) The subdivider may appeal the determination of land suitability as provided in §18.02(9).
- (7) SUBDIVISIONS OR MINOR LAND DIVISIONS IN EXTRATERRITORIAL PLAT APPROVAL JURISDICTION. Jurisdiction of these regulations shall include all lands within the corporate limits of the City of Baraboo as well as the unincorporated area within the extraterritorial plat approval jurisdiction of the City of Baraboo and the City elects to approve subdivisions, plats, replats and minor land divisions under its extraterritorial plat approval jurisdiction as provided in Ch. 236 and §66.32, Wis. Stats. Any subdivision, minor land division or replat within the City's extraterritorial plat approval jurisdiction shall be subject to approval in accordance with §18.03(8) of this chapter. (1909 06/11/97)
- (8) MINIMUM LOT OR PARCEL SIZE FOR LOTS OR PARCELS IN THE CITY'S EXTRATERRITORIAL PLAT APPROVAL JURISDICTION (2225 04/25/2006)
- (a) General Regulations (1909 05/11/1992, 2225 04/25/2006, 2228 06/27/2006, 2261 06/12/2007).
1. Preamble. The City of Baraboo has an inherent interest in maintaining the quality of land division and the orderly layout and use of land and preventing undue concentration of population using private sanitary systems and private wells, so as to protect the groundwater and the environment and to ensure the best possible environment for human occupation. The City is also interested in limiting the potential impact that future development in the extraterritorial areas will have on City provided services, such as City parks, police services and streets. The City has an interest in promoting the wise use, conservation, protection and proper development of the extraterritorial area's soil, water, wetland, woodland and wildlife resources, and to attain a proper adjustment of land use and development to the supporting and sustaining of a natural resource base. The City's interest is to further the ordinary layout and appropriate use of land and to provide adequate light and air, and to prevent the overcrowding of land, and to regulate and control urban sprawl, and improve the quality of

development. The City desires to preserve natural vegetation and cover and promote the natural beauty of the extraterritorial area. It is in the City's interests to promote the goals and plans as set forth in the City's Comprehensive Plan, which is incorporated by reference, including preserving quality agricultural lands for that purpose when located in an area designated for preservation. The City further seeks to provide the best possible environment for human habitation and by encouraging the most appropriate use of land throughout the City's extraterritorial plat approval jurisdiction. The City is a co-owner of an airport, portions of which are with the extraterritorial plat approval jurisdiction of the City. It is in the City's interests to control land divisions and developments near the airport so as to protect the future operation of the airport. The City further declares goals to insure that new development will not be detrimental to the physical, social and economic wellbeing of residents of the City, to direct new growth to those areas capable of providing a full range of urban services and facilities, to prevent scattered and noncontiguous development without discouraging new and desirable development, and to discourage new developments in those areas that are premature in terms of planning and timing for the provision of adequate public services and facilities. Based upon the foregoing, it is necessary in the interest of public health, safety and welfare to establish minimum lot or parcel sizes for any lot or parcel in the City's extraterritorial plat approval jurisdiction provided for in §236.10, Wis. Stats.

2. The minimum lot or parcel size for a lot or parcel to be used for residential purposes shall be 20 acres per dwelling unit. The minimum lot or parcel size for a lot or parcel to be used for a commercial, business or industrial use shall be 20 acres. In order to meet the minimum lot or parcel size requirements of this subsection, the lot or parcel shall be a single piece of contiguous land undivided by and excluding from area

measurement any street, railroad right-of-way, or navigable waterway.

3. Nothing in this section shall be construed as to limit the minimum lot size of parcels existing or to be created within the Town of Baraboo Sanitary District, provided that such lots meet the minimum size requirements of the Town of Baraboo or Sauk County, whichever shall be the most restrictive.

(b) Special Exceptions:

1. A special exception to the requirements of this subsection may be granted by the Plan Commission or Council if a tax parcel existing as of January 1, 1998, containing an existing single family dwelling used for residential purposes, with or without accessory buildings, is proposed to be divided by a certified survey map showing two or more lots of record so as to locate the existing dwelling and accessory buildings on a lot less than 20 acres in area provided that the lot with the dwelling satisfies the applicable minimum lot size requirements for the municipality where the lot is located and each remainder lot of record resulting from the land division meets one or more of the following preconditions: (1971 04/13/99)
 - a. Each remainder lot of record is vacant land and each such remainder lot is at least 20 acres in area or greater, or
 - b. Each remainder lot of record is vacant land and the certified survey map for the pro-posed land division combines such remainder lot with a contiguous, single tax parcel existing as of January 1, 1998, thereby creating a lot of record which is sufficient in size to meet the applicable minimum lot size requirements for the municipality where it is located.
 - c. In this subsection the term "existing single family dwelling used for residential purposes" means a dwelling occupied and used as a residence as of January

1, 1998, and continuously thereafter to the date of the application and which dwelling satisfies the applicable ordinances of the municipality where it is located for continuation of such use. The term "lot of record" means a parcel of contiguous land under one ownership shown on a certified survey map prepared under §236.34, Wis. Stats., and which is undivided by a street, rail-road right-of-way, dedicated right-of-way, or navigable waterway. The applicant for the land division shall carry the burden of proof to establish that a proposed land division meets the requirements of this subsection.

2. A special exception may be granted to the minimum lot or parcel size requirements of this subsection where the property owner consents in writing that a covenant or deed restriction shall be entered on the certified survey map specifying that the undersized lot or parcel is unbuildable for any residential, commercial, business, or industrial purpose or use. The mini-mum lot size requirements for a lot served by a public sanitary sewer system shall be in accordance with the zoning requirements as set forth in the City's Zoning Code. The provisions of this subsection shall supersede and control the minimum lot size requirements set forth in §18.07(6) of this chapter. (1971 04/13/99).
3. A special exception may further be granted by the City Council to the minimum lot or parcel size requirements of this subsection (18.02(8)) if three (3) tax parcels existing as of January 01, 1998, are contiguous and under one ownership as of January 01, 1998, are proposed to be divided by a Certified Survey Map showing three (3) lots of record, providing that the land division meets the following pre-conditions: (2142 02/24/04)
 - a. Where the three (3) existing tax parcels are each sufficient in size to meet the existing

- applicable minimum lot size requirements for the municipality where the parcels are located for use for residential purposes without the granting of any variance, and where each existing tax parcel could be sold or conveyed and presently used for residential purposes without a land division, and
- b. Where one existing tax parcel contains an existing single-family dwelling used for residential purposes, with or without accessory buildings, and is approximately 35 acres in size, and where another of the existing tax parcels also contains an existing single-family dwelling used for residential purposes, with or without accessory buildings, and is approximately four (4) acres in size, and where the third existing tax parcel is a vacant one-acre parcel, and
 - c. Where the Council finds that the proposed land division proposes to reconfigure the four-acre tax parcel so as to create two new lots of record, each approximately two acres in size leaving a lane between the two lots of record that is located for the future extension of Mine Road, as shown on the City's Official Street Map.
4. A special exception may be granted by the City Council to the minimum lot or parcel size requirements of this subsection (18.02(8)) if two lots of record existing as of January 01, 1998, are contiguous and under one ownership as of January 01, 1998, and are proposed to be redivided by a certified survey map showing two reconfigured lots of record, providing that the land division meets the following pre-conditions: (2157 06/22/04)
 - a. Where the two existing lots of record are each sufficient in size to meet the existing applicable minimum lot size requirements for the municipality where the lots are located for use for residential purposes without the granting of any variance, and where each existing lot of record could be sold or conveyed and presently used for residential purposes without a land division, other than to provide street frontage access for one of the lots of record, and
 - b. Where one existing lot of record contains an existing single family dwelling used for residential purposes and is approximately 7.10 acres in size, and where the second lot is a vacant lot being approximately 0.80 acres in size.
 5. A special exception to the requirements of this subsection may be granted by the City Engineer for the modification of lot lines between contiguous lots, whether owned by one or multiple owners, provided that after the modification no new lots are created, and all existing lots remain valid lots within their municipal jurisdiction. (2218 01/24/2006; 2362 08/23/2011)
 6. A special exception to the requirements of this subsection may be granted by the Plan Commission when all of the following circumstances exist: (2292 11/11/2008)
 - a. The density of buildable lots shall not exceed one for every 20 acres of land divided;
 - b. A buildable lot shall not exceed 2 acres in size;
 - c. The land division shall be by certified survey map only;
 - d. Non-buildable parcels must be enrolled as a Preservation Area Easement as part of the Sauk County Planned Unit

Development Program –
Cluster Development.

- (9) SPECIAL PROCEDURES WHERE WIS DOT TRANS 233 APPLIES TO A LAND DIVISION - Whenever Wisconsin Department of Transportation Administrative Code Trans 233 applies to a land division within the City, the following procedures and standards shall apply: (2018 06/27/2000, 2594 5/17/2022)

- (a) The preliminary plat, final plat, or Certified Survey Map shall not be considered filed with the City for approval until the plat or map has been approved by the Wisconsin Department of Transportation pursuant to Trans 233.
- (b) The Council shall be authorized to establish the same setback area for city zoning purposes as the setback area approved by the Wisconsin Department of Transportation, where, in the judgment of the Common Council, after report and recommendation by the Plan Commission, the setback established by the state DOT will not be contrary to the public interest and where such allowed setback is in harmony with the general purposes and intent of the City's Zoning Code. Any setback allowed by the Council under this section may be subject to such conditions and restrictions as determined by the Council to be in the public interest. The plat or map shall clearly show the boundary of the setback line.
 - 1. The minimum highway setback for all property in the City of Baraboo that is adjacent to STH 33 and east of CTH T (Taft Avenue) shall be a minimum of 50 feet.

- (10) APPEALS. Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal such objection or failure to approve as provided in §236.13(5), Wis. Stats., within 30 days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. (1909 06/11/97)

18.03 LAND DIVISION PROCEDURE.

- (1) PRE-APPLICATION ENVIRONMENT ASSESSMENT, PUBLIC FACILITIES AND SERVICES. (2045 01/09/2001)

- (a) Pre-application. Prior to the filing of an application for the approval of a preliminary plat or certified survey map, it is recommended that the subdivider consult with the Plan Commission or the City Engineer in order to obtain their advice and assistance. This consultation is intended to inform the subdivider of the purpose and objectives of these regulations, other provisions of this Code, sewer and water availability, other engineering considerations, duly adopted City plans and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and the Plan Commission may reach mutual conclusions regarding the general objectives of the proposed development and its possible effects on the neighborhood and the community. The subdivider will also gain a better understanding of the subsequent required procedures.

- (b) Environmental Assessment. A checklist may be prepared by the subdivider for review at the pre-application conference.

- 1. Purpose. The purpose of this environmental assessment checklist is to provide the basis for an orderly, systematic review of the effects of all new subdivisions upon the community environment in accordance with the principles and procedures of Wis. Stats. §236.45(1). The Plan Commission will use these procedures in determining land suitability under §18.02(6). The goals of the community in requiring this checklist are to eliminate or reduce pollution and siltation to an acceptable standard, assume ample living space per capita, preserve open space and parks for recreation, provide adequately for storm water control, maintain scenic beauty and aesthetic surroundings, administer to the economic and cultural needs of the citizens and provide for the effective and efficient flow of goods and services.

- 2. Coverage. The Environmental Assessment Checklist shall apply to all subdivisions, including minor subdivisions. The Plan Commission may waive the requirement for the filing of an environmental assessment checklist for minor subdivisions of less than five (5) acres total area.

3. Preliminary Checklist for
Environmental Assessment of
Plats and Land Divisions and
Community Development Plans:

Preliminary Checklist for Environmental Assessment of Plats, Land Divisions, and Community Development Plans (All yes answers must be explained in detail by attaching maps and supporting documentation describing the impacts of the proposed development).				
I. Land Resources. Does the project site involve:			Yes	No
A.	Changes in relief and drainage patterns (attach a topographic map showing, at a minimum, two (2) foot contour intervals).			
B.	A landform or topographic feature of local or regional interest.			
C.	A floodplain (If yes attach two (2) copies of a typical stream valley cross section showing the channel of the stream, the 100 year floodplains limits and the floodway limits (if officially adopted), of each side of the channel and a cross section of area to be developed			
D.	An area of soil instability – greater than 18% slope and/or organic soils, peaks, or mucks at or near the surface			
E.	An area of bedrock within 6 feet of the soil surface			
F.	An area with the groundwater table within 10 feet of the soil surface			
G.	An area with fractured bedrock within 10 feet of the soil surface			
H.	Prevention of gravel extraction			
I.	A drainageway for 5 or more acres of land			
J.	Lot coverage of more than 50% impermeable surfaces			
K.	Prime agricultural land			
L.	Wetlands and Marshes			
M.	Land elevation above 950 (U.S.G.S. Datum)			
N.	Mapped environmental corridors			
II. Water Resources. Does the proposed project involve:				No
A.	Location within an area traversed by a navigable stream or dry run			
B.	Greater than 10% change in the capacity of a storm water storage facility or flow of a waterway within 1 mile			
C.	The use of septic tank-soil absorption fields for on-site waste disposal			
D.	Lowering of water table by pumping or drainage			
E.	Raising of water table by altered drainage patterns			
F.	Lake frontage			
III. Biological Resources. Does the project involve:			Yes	No
A.	Critical habitat for plants and animals of community interest			
B.	Endangered, unusual or rare species of:			
	1. Land animals			
	2. Birds			
	3. Plants			
C.	Removal of over 25% of the present trees			
IV. Human and Scientific Interest. Does the project site involve:				
A.	An area of archeological interest			
B.	An area of geological interest			
C.	An area of hydrological interest			
D.	An area of historical interest			

	1. Historic buildings or monuments		
	2. Buildings or monuments of unique architecture		
E.	An area of identified community recreation use		
V. Energy, Transportation, and Communications		Yes	No
A.	Does the development increase the traffic flow in any collector system by more than 10%		
B.	Is the development traversed by an existing or planned utility corridor? (gas, electricity, water, sewer interceptor, communications, storm sewer)		
VI. Population		Yes	No
A.	Does the development increase by more than 10% the school population of any school serving the development		
VII. Comments on Any of the Above That may Have a Significant Environmental Impact:			
VIII. Appendices and Supporting Material:			

4. Determination of Need for Expanded Environmental Assessment. The Environmental Assessment Checklist shall be reviewed by the Plan Commission at its next regular meeting following submittal. The Plan Commission may, at that time, for reasons stated in a written resolution setting forth specific questions on which it requires research, data and input from the developer and other affected persons, decide that the preliminary environmental assessment raises unusually significant questions of the effects on the environment and that review by other City committees and commissions is required and/or that an unusually high level of citizen interest has resulted from questions raised in a preliminary assessment. The listing of questions can include items which this ordinance already enables the Commission to obtain, or it may include additional information which is relevant to the questions specified in the resolution. The resolution may also request data on the specific impact questions from other governmental agencies or from the developer or applicant. The resolution shall set a reasonable date for the return of the requested data and information, and it may specify the format in which the data is to be presented.
5. Hearing on Environmental Assessment Report. Following the return to the Plan Commission of the data required in the resolution adopted under the section above, the Commission shall make such report available for scrutiny by the applicant or petitioner, by City departments, commissions and committees and by other interested persons or agencies. The Plan Commission may schedule and hold a public hearing on the findings of the report. The hearing shall be preceded by a Class I notice under Wis. Stat. Ch. 985. Persons

attending such hearing shall be afforded an opportunity to comment on the report.

6. Review. The Plan Commission shall review the Environmental Assessment Report, with supporting data, department and committee reviews and any other data required for determining the suitability of the land for the proposed development. Within 45 days after submission to the Plan Commission of the final expanded environmental assessment report, the Plan Commission shall decide whether said land is suitable for development.

(c) Public Facilities and Services Review.

1. Determination of Adequacy of Public Facilities and Services.
 - a. A certified survey, preliminary plat or final plat shall not be approved unless the Plan Commission and the Common Council determine that adequate public facilities and public services are available to meet the needs of the proposed subdivision.
 - b. The applicant shall furnish any data requested by the City Engineer who shall transmit this information to appropriate City commissions, committees and boards for review and shall act as coordinator for their reports to the Plan Commission and the Common Council on the adequacy of water, sanitary and storm sewers, fire service, police, parks and open space

and recreation facilities, and transportation facilities.

- c. Public facilities and public services for a proposed subdivision may be found to be adequate when the following conditions exist:

- [1.] The proposed subdivision is located in an urban service area where mainline interceptor sewer service is presently under construction, or designated by the Common Council for extension of sewer service. The Plan Commission and the Common Council shall also consider the recommendations of the City Engineer and the Public Safety Committee on the capacity of trunk lines and of sewerage treatment facilities and any other information presented.
- [2.] The proposed subdivision is located within an urban service area serviced by an arterial transmission water main with adequate capacity for the proposed development or if the water distribution system that is needed is under construction or scheduled for construction. The Plan Commission and the Common Council shall consider the recommendations of the City Engineer and the recommendations of the Public Safety Committee on line capacities, water sources and storage facilities as well as any other information presented.
- [3.] The City Engineer, and the Public Safety Committee recommend to the Plan Commission and the Common Council that adequate facilities are available to insure the proper storm water management.
- [4.] The Parks and Recreation Commission recommends that future residents of the proposed subdivision can be assured park, recreation and open space areas, facilities and services which meet the standards of the Comprehensive Outdoor Recreation Plan.
- [5.] The appropriate Police Department and Fire Department verify that timely and adequate service can be provided to the residents.

- [6.] The proposed subdivision is accessible by existing publicly maintained, all weather roads adequate to accommodate both existing traffic and that traffic to be generated by the proposed subdivision, or necessary additional roads and road improvements are budgeted for construction with public or private financing.

- [7.] Where the Plan Commission and the Common Council determine that one or more public facilities or services are not adequate for the proposed development, but that a portion of the area could be served adequately, or that careful phasing of the development could result in all public facilities and public services being adequate, conditional approval may include only such portions or may specify phasing of the development.

(2) PRELIMINARY PLAT REVIEW.

- (a) Submission of Plats. Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and a letter of application. The preliminary plat shall be prepared in accordance with this chapter and the subdivider shall comply with the procedures of §236.11 and 236.12, Wis. Stats., and shall file an adequate number of copies of the plat and application with the City Clerk at least 25 days prior to the meeting of the Plan Commission at which action is desired. The Clerk shall transmit copies, as appropriate, to agencies specified in §236.12, Wis. Stats., and 10 copies to the Plan Commission.
- (b) Review of Plats. The Plan Commission, hereby designated as approving authority for all preliminary plats, shall transmit a copy of the preliminary plat to all affected boards, commissions or departments and, unless the subdivider has elected to submit directly to the State as provided in §236.12(6), Wis. Stats., and all affected local utility companies for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Plan Commission within 20 days from the date the plat is filed. The preliminary plat shall then be reviewed by the Plan Commission for conformance with this chapter and all ordinances, rules, regulations, general plan and general plan components that affect it.

- (3) **PRELIMINARY PLAT APPROVAL.** The objecting agencies shall, within 20 days of the date of receiving their copies of the preliminary plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the City Clerk. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the plat. In addition:
- (a) The Plan Commission shall, within 90 days of the date of filing of a preliminary plat with the City Clerk, approve, approve conditionally, or reject such plat unless an extension of the review period is mutually agreed upon in writing. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter of transmittal and a copy of the Plan Commission meeting minutes setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One copy each of the plat and letter shall be placed in the Plan Commission's permanent file.
 - (b) Failure of the Plan Commission to act within 90 days shall constitute an approval of the plat as filed unless the review period is extended by mutual consent.
 - (c) Approval or conditional approval of a preliminary plat filed prior to July 15, 1998 shall not constitute automatic approval of the final plat, except if the final plat is submitted within six months of the preliminary plat approval and conforms substantially to the preliminary plat as indicated in §236.11 (1)(b), 1995-96 Wis. Stats. the final plat shall be entitled to approval. If the final plat is submitted within 24 months after the last required approval of a preliminary plat filed with the City after July 15, 1998, the final plat shall be entitled to approval if the final plat conforms substantially to the preliminary plat as approved, including any conditions of that approval and to local plans and ordinances adopted as authorized by law. (1971 04/13/99)
 - (d) A variance for a preliminary plat shall be treated as provided in §18.02(5) of this Code. A subdivider submitting a preliminary plat not in compliance with this chapter shall file an application for a variance as provided in Subsection 18.02(5) of this Code, at the same time that the subdivider files the application for approval of the preliminary plat. (1971 04/13/99)
- (e) Any action of the Plan Commission in approving, conditionally approving, or rejecting a preliminary plat may be appealed to the City Council, with a written request for an appeal together with a required appeal fee filed with the City Clerk within ten days after the date of the Plan Commission's action in approving, conditionally approving, or rejecting the preliminary plat. Any such appeal shall follow the appeal procedure set forth in §17.37(5) of this code. (1971 04/13/99)
- (4) **FINAL PLAT REVIEW.**
- (a) The subdivider shall submit a final plat and a letter of application in accordance with this chapter and §236.11 and 236.12, Wis. Stats., and shall file an adequate number of copies of the plat and the application with the City Clerk at least 20 days prior to the meeting of the Plan Commission at which review is desired. In addition:
 - (b) The Clerk shall transmit copies, as appropriate, to agencies specified in §236.12, Wis. Stats., and shall transmit the original final plat and 10 copies to the Plan Commission. A copy shall also be submitted to each public utility affected.
 - (c) The Plan Commission shall examine the final plat as to its conformance with the approved preliminary plat; any conditions of approval of the preliminary plat; this chapter and all ordinances, rules, regulations, general plan and general plan components which may affect it, and shall recommend approval, conditional approval or rejection of the plat to the governing body.
 - (d) Partial Platting. The final plat may, if permitted by the Plan Commission, constitute only that portion of the approved preliminary plat which the subdivider proposes to record at that time.
- (5) **FINAL PLAT APPROVAL.** The objecting agencies shall, within 20 days of the date of receiving their copies of the final plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Plan Commission. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the plat.

- (a) Submission. If the final plat is not submitted within 6 months of the last required approval of the preliminary plat, the Council may reject the final plat in writing, with reasons given.
- (b) Plan Commission Recommendation. The Plan Commission shall, within 30 days of the date of filing of the final plat with the City Clerk, recommend approval or rejection of the plat and shall transmit the final plat and application, along with its recommendations, to the Council.
- (c) Notification. The Plan Commission shall, at the time it recommends approval or rejection of a plat to the Council and at least 10 days prior to any action of the Council, give notice of its recommendation to the clerk of any municipality within 1,000 feet of the plat.
- (d) Council Approval or Rejection. The Council shall, within 60 days of the date of filing the original final plat with the City Clerk, approve or reject such plat unless the time is extended by agreement with the subdivider. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a copy of the minutes, together with a letter of transmittal shall be forwarded to the subdivider. The Council may not approve the final plat unless the City Clerk certifies on the face of the plat that the copies were forwarded to objecting agencies as required herein, the date thereof, and that no objections have been filed within 20 days or, if filed, have been met.
- (e) Timely Council Action Required. Failure of the Council to take action on the plat within 60 days, and time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.
- (f) Consent and Waiver. Prior to the acceptance of a final plat, the subdivider shall furnish, when required by the City, a consent and waiver of the statutory provisions for special assessment for the installation of sanitary sewer, storm sewer, sewer laterals, water main, water laterals, curb and gutter, sidewalk, street surfacing, underground street lighting services and all other utilities, which will be in a form approved by the City Attorney pursuant to §66.60(18), Wis. Stats., and shall be recorded in the office of the Register of Deeds in the same manner as a lis pendens. Such consent and waiver shall provide that the installation of such

services shall be made at the discretion of the Council.

- (g) Recordation. After the final plat has been approved by the Council and required improvements either installed or a contract and sureties insuring their installation is filed, the City Clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and shall further cause the plat to be recorded within 30 days of its approval by the Council. The subdivider shall be responsible for the recording fee.
 - (h) Plat Copies. The subdivider shall file 10 certified copies of the final plat with the Clerk for distribution to appropriate local agencies and offices.
 - (i) Filing Requirements: In addition to the filing requirements set forth §18.03(4) and this subsection (5) a final plat shall not be deemed filed with the City under this Code or under Ch. 236, Wis. Stats., until the subdivider has executed and delivered to the City Clerk a fully signed and City approved Agreement For Subdivision Improvements, together with the payment all fees required to be paid by the City Codes and by said Agreement, and all engineering plans and specifications for the public improvements have been filed with and approved by the City Engineer, including, but not limited to, site grading, erosion control, stormwater management, streets, curb and gutter, sidewalks and other public improvements required by Ch. 18 of the City Code. The City Council may by resolution accept the filing of a final plat conditioned upon the subdivider subsequent filing of the documentation required by this subsection. (2178 01/25/05)
- (6) REPLAT. When it is proposed to replat a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in §236.40 through 236.44, Wis. Stats. The subdivider or person wishing to replat shall then proceed as specified in §§(1) through (3) above. Court vacations of plats are required when areas dedicated to the public are altered. The Clerk shall schedule, within the time period specified in sub. (3) above for the Plan Commission to take action upon the plat, a public hearing before the Plan Commission when a preliminary plat or a replat of lands within the City is filed, and shall cause notices of the proposed replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the

owners of all properties within 200 feet of the exterior boundaries of the proposed re-plat. (1909 06/11/97)

(7) MINOR LAND DIVISIONS. (1909 06/11/97)

- (a) All minor land divisions shall be subdivided by use of a certified survey map. The owner or subdivider shall prepare the certified survey map in accordance with this chapter and shall file 10 copies of the map and the letter of application with the Clerk at least 15 days prior to the meeting of the Plan Commission at which action is desired. (1909 06/11/97)
- (b) The Clerk shall, within 2 working days after filing, transmit the copies of the map and letter of application to the Plan Commission.
- (c) The Plan Commission shall transmit a copy of the map to all affected boards, commissions, departments, and all affected public utility companies for their review and recommendation concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Plan Commission within 10 days from the date the map is filed. The map shall be reviewed by the Plan Commission for conformance with this chapter and all ordinances, rules, regulations, general plan and general plan components that affect it. If the proposed land division does not involve the dedication of streets or other public lands to the City, or the granting of a variance, the Plan Commission shall approve, conditionally approve, or reject the map as provided in §18.06 of this code. If a map is rejected by the Plan Commission, the reason(s) shall be stated in the minutes of the meeting and a written statement supplied to the subdivider upon request. (1971 04/13/99)
- (d) If a proposed land division involves the dedication of streets or other public lands as the granting of a variance, the Plan Commission shall recommend approval, conditional approval, or rejection of the map and shall transmit the map along with its recommendations to the Council. The Council shall approve, conditionally approve, or reject such map within 90 days from the date of the filing of the map. If the map is rejected by the Council, the reason shall be stated in the minutes of the meeting and a written statement supplied to the subdivider upon request. Minor land division variances shall be granted or denied as provided in

§18.02(5) of this Code. (1963 12/22/98, 1971 04/13/99)

- (e) Recordation. The City Clerk shall record the map with the County Register of Deeds within 10 days of its approval. The subdivider shall be responsible for the recording fee.

- (f) Copies. The subdivider shall file 10 certified copies of the certified survey map with the Clerk for distribution to appropriate local agencies and offices.

(8) EXTRATERRITORIAL PLAT APPROVAL JURISDICTION. (1909 06/11/97)

- (a) Compliance Required. No person, firm or corporation shall divide any land located within the extra-territorial plat approval jurisdiction of the City of Baraboo which shall result in a subdivision, minor land division or re-plat as defined herein without complying with the applicable provisions of Ch. 236, Wis. Stats., the provisions of this subsection and to the fullest extent allowed by Ch. 236, Wis. Stats., to the requirements of this chapter.
- (b) Application Required. When the land to be subdivided lies within the City's extraterritorial plat approval jurisdiction, the subdivider shall proceed as specified in this subsection.
- (c) Extraterritorial Land Division Requirements. No subdivision or minor land division within the City's extraterritorial plat approval jurisdiction shall be approved by the Plan Commission or the Common Council which does not satisfy each of the following requirements:
 - 1. Each subdivision or minor land division shall comply with the minimum lot size requirements set forth in sub§18.02(8) of this chapter. (1963 12/22/98)
 - 2. No subdivision or minor land division shall be considered for approval which does not have the prior approval by the approving authority for the town(s) where required by town and county ordinances or by the Wisconsin Statutes. (2248 02/13/2007)
 - 3. The Plan Commission and/or City Council may require placement of covenants or deed restrictions that are deemed necessary and appropriate to protect the purpose

and intent of the City's Master Plan and this chapter. Any such restrictions or covenants shall be recorded.

4. All subdivisions and minor land divisions shall be required to meet the design standards of §18.07 and the required improvements of §18.08 of this chapter, where applicable, unless town or county ordinances control.

5. Each subdivision or minor land division shall comply with the applicable provisions of Ch. 236, the Master Plan of the City of Baraboo, and with the provisions of this chapter.

(d) Incorporation of Official Map. The boundaries of the City's Extraterritorial Plat Approval Jurisdiction as shown on the map entitled the "Official Map of City of Baraboo Extraterritorial Plat/Land Division Approval Division" dated (one day after publication), which map is on file in the office of the City Engineer and is incorporated herein by reference. This map shall be deemed amended to extend or expand the boundaries of the City's extraterritorial plat approval jurisdiction as new lands are annexed to the City to the fullest extent authorized by applicable law. (1972 04/21/99, 2168 11/09/04)

18.04 **PRELIMINARY PLAT.**

(1) **GENERAL REQUIREMENTS.** A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor. The plat shall be prepared on tracing cloth, reproducible drafting film or paper of good quality at a map scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

(a) Title or name under which the proposed subdivision is to be recorded. Such title shall not be the same or similar to a previously recorded plat within Sauk County unless it is an addition to a previously recorded plat and is so stated on the plat.

(b) Property location of a proposed subdivision by government lot, quarter section, township, range, county, and State.

(c) Date, graphic scale and north arrow.

(d) Names and addresses of the owner, subdivider and land surveyor preparing the plat.

(e) Entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this chapter and undue hardship would result from strict application thereof.

(2) **PLAT DATA.** All preliminary plats shall show the following:

(a) Length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby.

(b) Existing contours at vertical intervals of not more than 2 feet where the slope of the ground surface is less than 10% and of not more than 5 feet where the slope of the ground surface is 10% or more. Elevations shall be marked on such contours based on U.S.G.S. datum.

(c) Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to U.S.G.S. datum.

(d) Flood plain limits and the contour line lying a vertical distance of 2 feet above the elevation of the 100 year recurrence interval flood or, where such data is not available, 5 feet above the elevation of the maximum flood of record.

(e) Location, right of way width and names of all existing streets, alleys or other public ways, easements, railroad and utility rights of way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.

(f) Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, all to U.S.G.S. datum.

(g) Location and names of any adjacent subdivisions, parks and cemeteries and owners of record of abutting unplatted lands.

- (h) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes; the location of manholes, catch basins, hydrants, electrical and communication facilities, whether aerial or underground, and the location and size of any existing water and gas mains with the exterior boundaries of the plat or immediately adjacent to the tract, thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be ex-tended to serve the tract shall be indicated by their direction and distance from the tract, size and invert elevations.
 - (i) Locations of all existing property boundary lines, corporate limit lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant natural or manmade features within the tract being subdivided or immediately adjacent thereto.
 - (j) Setbacks or building lines if required by the Plan Commission in accordance with the guidelines set forth in §18.07(7) of this chapter. (1963 12/22/98)
 - (k) Location, width and names of all proposed streets and public rights of way such as alleys and easements.
 - (l) Approximate dimensions of all lots together with proposed lot and block numbers.
 - (m) Location and approximate dimensions and size of any sites within the plat to be reserved or dedicated for parks, open space, playgrounds, drainageways or other public use or which are to be used for group housing, shopping centers, church sites or other private uses not requiring lotting.
 - (n) Approximate radii of all curves.
 - (o) Existing zoning on and adjacent to the proposed subdivision.
 - (p) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
 - (q) Any proposed lake and stream improvement or relocation.
- (3) **GRADING PLANS AND PROFILES.** The Plan Commission, upon recommendation of the City Engineer, may require that the subdivider provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon U.S.G.S. datum, and plans and profiles shall be of sufficient detail to determine that streets will conform to the grade of existing streets or their extension or to the established grades of future streets and shall be subject to the approval of the City Engineer.
- (4) **TESTING.** The City Engineer may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depths to bedrock and depth to groundwater table. Where the subdivision will not be served by central sanitary sewer service, the provisions of Wis. Adm. Code H65 shall be complied with and the appropriate data submitted with the preliminary plat.
 - (5) **COVENANTS.** The Plan Commission may require submission of a list of existing covenants and a list of covenants with which the subdivider intends to regulate land use in the proposed subdivision and other-wise protect the proposed development.
 - (6) **AFFIDAVIT.** The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this chapter.
- 18.05 FINAL PLAT.**
- (1) **GENERAL REQUIREMENTS.** A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of §236.20, Wis. Stats.
 - (2) **ADDITIONAL INFORMATION.** The plat shall show correctly on its face, in addition to the information required by §236.20, Wis. Stats., the following:
 - (a) Exact length and bearing of the centerline and center line curves of all streets.
 - (b) Exact street width along the right of way line of any obliquely intersecting street.
 - (c) Railroad rights of way within and abutting the plat.
 - (d) Setbacks or building lines, if required by the Plan Commission, in accordance with the guidelines set forth in §18.07(7) of this chapter.
 - (e) Utility and/or drainage easements.
 - (f) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.

- (g) Special restrictions required by the Plan Commission relating to access control along public ways, delineation of floodland limits, or to the provision of planting strips.
- (3) **DEED RESTRICTIONS.** The Plan Commission may require that deed restrictions imposed by the subdivider be filed with the final plat.
- (4) **PLAT RESTRICTIONS.** The Plan Commission may require that plat restrictions intended to reflect City plans and ordinances be placed on the face of the plat.
- (5) **SURVEY ACCURACY.** The City Engineer shall examine all final plats within the City and may make, or cause to be made by a registered land surveyor under the supervision or direction of the City Engineer, field checks for the accuracy and closure of survey, the proper kind and location of monuments and the legibility and completeness of the drawing. In addition:
 - (a) Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of one part in 5,000, nor in azimuth, 4 seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure is obtained. When a satisfactory closure of the field measurements has been obtained, the survey of the exterior boundary shall be adjusted to form a closed geometric figure.
 - (b) All street, block and lot dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If field checks disclose an error for any interior line of the plat greater than the ratio of one part in 3,000, or an error in measured angle greater than one minute of arc for any angle where the shorter side forming the angle is 300 feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than 300 feet in length, the error shall not exceed the value of 1½ minutes multiplied by the quotient of 300 divided by the length of the shorter side; however, such error shall not in any case exceed 5 minutes of arc.
- (6) **RELOCATED QUARTER CORNERS.** Where the plat is located within a quarter section, the corners of which have been relocated, monumented, and coordinated by the County, the tie required by §236.20(3)(b), Wis. Stats., shall be expressed in terms of grid bearing and distance; and the material and Wisconsin State plane coordinates of the monument making the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.
- (7) **COUNCIL REVIEW.** The Council shall receive the results of the City Engineer and the State's examination prior to approving the final plat.
- (8) **SURVEYING AND MONUMENTING.** All final plats shall meet all the surveying and monumenting requirements of §236.15, Wis. Stats.
- (9) **STATE PLANE COORDINATE SYSTEM.** All plats shall be tied directly to a section or quarter corner monumented according to the State Plane Coordinate System. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin State plane coordinates of the monument marking the section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure specified in sub. (5) above for the survey of the exterior boundaries of the subdivision. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone.
- (10) **CERTIFICATES.** All final plats shall provide all the certificates required by §236.21, Wis. Stats. and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this chapter. The subdivider's certificate shall be fully executed prior to Council approval.
- (11) **RECORDATION.** The final plat shall be recorded with the County Register of Deeds only after the certificates of the Director of the Planning Function in the Wisconsin Department of Development, of the Council, of the surveyor and those certificates required by §236.21, Wis. Stats., are placed on the face of the plat. The City Clerk shall record the plat within 10 days of its approval by the Council. The subdivider shall, however, be responsible for the payment of the recording fee.
- (12) **DUPLICATE PLAT TO BE FILED.** An identical reproducible copy, on stable drafting film at least 4 mils thick, along with the

recording data, shall be placed on file with the City Engineer.

18.06 CERTIFIED SURVEY MAP.

- (1) GENERAL REQUIREMENTS. A certified survey map prepared by a registered land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of §236.34, Wis. Stats. The minor subdivision shall comply with the design standards and improvement requirements set forth in §18.07 and 18.08 of this chapter.
- (2) REQUIRED INFORMATION. The map shall show correctly on its face, in addition to the information required by §236.34, Wis. Stats., the following.
 - (a) All existing buildings, watercourses, drainage ditches and other features pertinent to proper land division.
 - (b) Setbacks or building lines if required by the Plan Commission in accordance with the guidelines set forth in §18.07(7) of this chapter.
 - (c) Utility and/or drainage easements.
 - (d) All lands reserved for future acquisition.
 - (e) Date of the map.
 - (f) Flood plain limits and the contour line lying a vertical distance of 2 feet above the elevation of the 100 year recurrence interval flood or, where such data is not available, 5 feet above the elevation of the maximum flood of record.
 - (g) Graphic scale and north arrow.
 - (h) Name and address of the owner, subdivider, and surveyor.
- (3) STATE PLANE COORDINATE SYSTEM. All plats shall be tied directly to a section or quarter corner monumented according to the State Plane Coordinate System. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin State plane coordinates of the monument marking the section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure specified in sub. (5) above for the survey of the exterior boundaries of the subdivision. All distances and bearings shall be references to the Wisconsin Coordinate System, South Zone.
- (4) CERTIFICATES. The surveyor shall certify on the face of the map that he has fully complied with all the provisions of this chapter. After reviewing the map, the Plan Commission shall certify its approval on the face of the map; however, when the certified survey map involves the dedication of streets or other public lands, the certified survey map shall be acted upon by the Council. After receiving approval by the

appropriate body, such maps shall be certified by the Mayor, the City Clerk and the City Engineer. In addition, dedication of streets and other public areas shall require the owner's certificate and the mortgagee's certificate in substantially the same form as required by §236.21(2)(a), Wis. Stats.

- (5) APPROVAL. No certified survey map shall be approved by the Plan Commission or the Council until all required improvements have been installed and until all required fees have been paid unless provision for the installation of improvements and payment of fees has been made in an approved subdivider's agreement.
- (6) RECORDATION. The certified survey map shall only be recorded with the County Register of Deeds after the certificates of the Plan Commission or Council and the surveyor are placed on the face of the map. The City clerk shall record the map within 10 days of its approval by the Plan Commission or Council.
- (7) APPEAL. Any action of the Plan Commission in approving, conditionally approving, or rejecting a certified survey map may be appealed to the City Council, with a written request for an appeal together with a required appeal fee filed with the City Clerk within ten days after the date of the Plan Commission's action in approving, conditionally approving, or rejecting the certified survey map. Any such appeal shall follow the appeal procedure set forth in §17.37(5) of this code. (1971 04/13/99)

18.07 DESIGN STANDARDS.

- (1) STREET ARRANGEMENT. In any new subdivision plat or certified survey map, the street layout shall conform to the arrangement, width and location indicated on the Official Map or General Plan of the City. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets and to the most advantageous development of adjoining areas. The subdivision shall be designed so as to provide each lot with satisfactory access to a public street. In addition:
 - (a) Arterial Streets. Arterial streets, as hereafter defined, shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of arterial streets and highways and shall be, insofar as practicable,

continuous and in alignment with existing or planned streets with which they are to connect.

- (b) Collector Streets. Collector streets, as hereafter defined, shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets to which they connect.
- (c) Local Streets. Local streets, as hereafter defined, shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems and to require the minimum street area necessary to provide safe and convenient access to abutting property.
- (d) Proposed Streets. Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts.
- (e) Arterial Street and Highway Protection. Whenever the proposed subdivision contains or is adjacent to a major street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage with screen planting or an earth berm contained in a non-access reservation along the rear or side property line, or by the use of frontage streets.
- (f) Stream or Lake Shores. Stream or lake shores shall have a minimum of 60 feet of public access plat-tered to the low water mark at intervals of not more than 1/2 mile as required by §236.16(3), Wis. Stats.
- (g) Reserve Strips. Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the Council under conditions approved by the Plan Commission.
- (h) Alleys. Alleys shall be provided in commercial and industrial areas for off-street loading and service access if

required by the Plan Commission, but shall not be approved in residential districts. Dead end alleys shall not be approved. Alleys shall not connect to a major thoroughfare.

- (i) Street Names. Street names shall not duplicate or be similar to existing street names elsewhere in the City and environs, and existing street names shall be projected wherever possible.

(2) **LIMITED ACCESS HIGHWAY AND RAILROAD RIGHT OF WAY TREATMENT.** Whenever the proposed subdivision contains or is adjacent to a limited access highway or railroad right of way, the design shall provide the following treatment:

- (a) When lots within the proposed subdivision back upon the right of way of an existing or proposed limited access highway or a railroad, a planting strip at least 30 feet in depth and/or an earth berm shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be part of the platted lots, but shall have the following restriction lettered on the face of the plat: "This strip is reserved for the planting of trees and shrubs, the building of structures and placement of longitudinal easements for utilities hereon is prohibited."
- (b) Commercial and industrial properties shall have provided, on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for appropriate use of the land between such streets and highway or railroad, but not less than 150 feet.
- (c) Streets parallel to a limited access highway or railroad right of way, when intersecting an arterial street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of 250 feet from said highway or railroad right of way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
- (d) Local streets immediately adjacent and parallel to railroad rights of way shall be avoided and location of local streets immediately adjacent to arterial streets and highways and to railroad rights of way shall be avoided in residential areas.

(3) **STREET DESIGN STANDARDS.**

- (a) The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the General Plan, General Plan Component or Official Map of the City, or if no width is specified

therein, the minimum widths shall be as shown in Table 1 below. Cross sections for freeways, express-ways, and parkways shall be based upon detailed engineering studies.

Table 1
Recommended Minimum Cross Sections
Baraboo, Wisconsin

System	Right-of-Way Width in Feet	Pavement Width in Feet
Arterial	Desirable – 80 Minimum – 66	44
Collector	66	35, No Parking One Side
Local	66	35

- (b) Cul de sac streets designed to have one end permanently closed shall not exceed 600 feet in length. All cul de sac streets designed to have one end permanently closed shall terminate in a circular turnaround having a minimum right of way radius of 66 feet and a minimum outside curb radius of 40 feet.

- (c) Street Grades. Unless necessitated by exceptional topography subject to the approval of the Plan Commission the maximum center line grade of any street or public way shall not exceed the following:

1. Arterial Streets. 6%
2. Collector Streets. 8%
3. Local Streets, Alleys, and Frontage Streets. 10%
4. Pedestrian Ways. 12%, unless steps of acceptable design are provided.
5. The grade of any street shall in no case exceed 12% or be less than 1/2 of 1%.

- (d) Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth and general leveling of topography. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to 15 times the algebraic difference in the rates of grade for all major streets, and 1/2 this minimum for all other streets.

- (e) Radii of Curvature. When a continuous street center line deflects at any one point by more than 10 degrees, a circular curve shall be introduced having a radius of curvature on said center line of not less than the following:

1. Arterial Streets and Highways. 500 feet.
2. Collector Streets. 300 feet.

3. Local Streets. 100 feet. A tangent at least 100 feet in length shall be provided between reverse curves on arterial and collector streets.

- (f) Half Streets. Where, on the date of original enactment of this chapter, an existing dedicated or platted half street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider. The platting of half streets is not permitted.

- (4) **STREET INTERSECTIONS**. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. In addition:

- (a) The number of streets converging at one intersection shall be reduced to a minimum, preferably not more than 2.
- (b) The number of intersections along arterial streets and highways shall be held to a minimum. Wherever practicable, the distance between such intersections shall not be less than 1,000 feet.
- (c) Intersections on local streets shall be offset at least 125 feet measured from the centerlines of the 2 streets.
- (d) Property lines at street intersections shall be rounded with a minimum radius of 15 feet or of a greater radius when required by the Plan Commission, or shall be terminated by a straight line through the points of tangency of an arc having a radius of 15 feet.
- (e) Local streets shall not necessarily continue across arterial or collector streets; but, if the center lines of such local streets approach the major streets from opposite sides within 300 feet of each other, measured along the center line of the arterial or collector street, then the location shall be so adjusted that the adjoinment across the arterial or collector street is continuous; and a jog is avoided.

- (5) **BLOCKS.** The widths, lengths and shapes of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient access, control and safety of street traffic and the limitations and opportunities of topography. In addition:
 - (a) The length of blocks in residential areas shall not, as a general rule, be less than 400 feet nor more than 1,200 feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.
 - (b) Pedestrian ways are generally not desired and should be avoided; however, pedestrian ways of not less than 10 feet in width may be required near the center and entirely across any block over 900 feet in length where deemed essential by the Plan Commission to provide adequate pedestrian circulation or access to schools, parks, shopping centers, churches or transportation facilities.
 - (c) The width of blocks shall be wide enough to provide for 2 tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.
 - (d) Utility easements. See §18.07(9) of this chapter.
- (6) **LOTS.** The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated. In addition:
 - (a) Side lot lines shall be approximately right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.
 - (b) Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
 - (c) Every lot shall front or abut for a distance of at least 30 feet on a public street.
 - (d) Area and dimensions of lots shall conform to the requirements of the Zoning Code, except the sub-division or minor land division of property located in the City's extraterritorial plat review jurisdiction pursuant to §236.10, Wisconsin Statutes, shall conform to the minimum lot size requirements of §18.02(8). The type, design, installation and maintenance of a private sanitary system, where approved, shall meet the requirements of all state and local codes and regulations. Whenever a tract is subdivided into large parcels, each parcel shall be arranged and dimensioned as to allow re-subdivision of any such parcels into normal lots in accordance with the provisions of this chapter. (1909 06/11/97, 1963 12/22/98, 2261 06/12/2007)
 - (e) Depth of lots shall be a minimum of 100 feet. Excessive depth in relation to width shall be avoided and a proportion of 2:1 shall be considered a desirable ratio under normal conditions. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated.
 - (f) Width of lots shall conform to the requirements of the Zoning Code.
 - (g) Corner lots shall have an extra width of 10 feet to permit adequate building setbacks from side streets.
 - (h) Lands lying between the meander line and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream.
- (7) **BUILDING SETBACK LINES.** Where not controlled by zoning regulations, building setback lines, appropriate to the location and type of development contemplated, shall be established as may be required by the Plan Commission.
- (8) **ELECTRICAL AND COMMUNICATIONS UTILITIES.**
 - (a) All new electric distribution lines (excluding lines of 12,000 volts or more), all new telephone lines from which lots are individually served, all new telegraph lines, community antenna television cables and services, installed within a newly platted residential area, mobile

home park or planned residential development shall be underground unless the Plan Commission shall specifically find, after study, that:

1. The placing of such facilities underground would not be compatible with the planned development, or
2. Location, topography, soil, stands of trees or other physical conditions would make underground installation unreasonable or impracticable, or
3. The lots to be served by said facilities can be served directly from existing overhead facilities.

(b) Associated equipment and facilities which are appurtenant to underground electric and communications systems such as, but not limited to, substations, pad-mounted transformers, pad-mounted sectionalizing switches and above-grade pedestal-mounted terminal boxes may be located above ground.

(c) The subdivider or his agent shall furnish proof to the Plan Commission that such arrangements as may be required under applicable rates and rules filed with the Public Service Commission of Wisconsin have been made with the owner or owners of such lines or services for placing their respective facilities underground as required by this section, as a condition precedent to approval of the final plat or certified survey map.

(d) Temporary overhead facilities may be installed to serve a construction site or where necessary because of severe weather conditions. In the latter case, within a reasonable time after weather conditions have moderated, such temporary facilities shall be replaced by underground facilities and the temporary facilities removed, subject to any exception permitted by the Plan Commission under subpar. (a)l., 2. and 3. above.

All aerial facilities for new electric distribution lines (excluding lines of 15,000 volts or more), all new telephone lines from which lots are individually served, all new telegraph lines, community antenna television cables and services, installed subsequent to the approval of this chapter shall be placed in utility easements within a newly platted residential area, Mobile Home Park or planned residential development, unless waived by the Plan Commission.

(9) EASEMENTS.

(a) Electrical and Communication Facilities.

1. Adequate easements shall be provided and dedicated on each side of all rear lot lines, and on side lot lines, across lots or along front lot lines where necessary, for the installation of electric and communications facilities. Such easements shall be noted as "Utility Easements" on the final plat or certified survey map. Prior to approval of the final plat or certified survey map, the concurrence of the electric and communications companies serving the area as to the location and width of the utility easements shall be noted on the final plat or certified survey map.

2. Where the electric and communications facilities are to be installed underground, the utility easements shall be graded to within 6 inches of final grade by the subdivider, prior to the installation of such facilities, and earth fill, piles or mounds of dirt or construction materials shall not be stored on such easement areas.

3. Where the electric and/or communications facilities are to be installed underground a note shall be placed on the final plat or certified survey map stating that the final grade established by the subdivider on the utility easements shall not be altered by more than 6 inches by the subdivider, his agent, or by subsequent owners of the lots on which such utility easements are located, except with written consent of the utility or utilities involved.

(b) Distribution gas mains and appurtenances, except service laterals, shall be installed in street right of way, normally in the area between sidewalk and curb. However, the Plan Commission may, at the request of the utility, or where deemed necessary or desirable, require easements of adequate width for the intended purpose along lot lines or across lots for such installations and such easements shall be noted on the final plat or certified survey map as "Utility Easements."

(c) Drainage Easements. §§ (12) through (15), below. (2045 01/09/2001)

(10) DEDICATION AND RESERVATION OF LAND.

- (a) In order that adequate open spaces and sites for other public purposes may be properly located and reserved and in order that the cost of providing public areas, such as, but not limited to parks, recreation areas, and other public lands, including public schools, may be equitably apportioned on the basis of additional need created by the subdivision development, each subdivider shall be required to reserve land, dedicate land, or pay fees in lieu of land for park or other public uses. Each subdivider of land in the City shall, at the discretion and direction of the Plan Commission, either dedicate lands designated on the City's adopted Comprehensive Plans, Official Map, or adopted plan components or reserve such future public land, where no proposed public lands are directly involved, or pay a park fee in lieu of dedication. (2144 03/09/04)
- (b) The Plan Commission shall, at the time of reviewing a preliminary plat, condominium plat, or Certified Survey Map, select the land dedication option, fees in lieu of land option, or reservation of additional land option and shall record such selection in the minutes of the meeting at which the preliminary plat, condominium plat, or Certified Survey Map is presented for approval. (1640 01/28/92, 2144 03/09/04)
- (c) In the design of a subdivision, condominium development, or other land division, provision shall be made for suitable sites of adequate areas for schools, parks, playgrounds, open spaces, drainageways, and other public purposes. Such sites shall be shown on the preliminary plat, final plat, or condominium plat and shall comply with the City's Master Plan, Official Map, or component of adopted plans. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and wetlands, and plant and animal communities. (2144 03/09/04)
- (d) All subdividers shall be required to dedicate developable land to the City for park or other public open space or recreational uses, other than streets or drainageways, in an amount equal to 5% of the total area proposed to be subdivided, including lots, public street rights-of-way, detention basins, and drainageways, or, in the alternative, one acre of land for each 25 proposed dwelling units, whichever is greater. Where a definite commitment has been made by the subdivider and City on the number of dwelling units to be provided in the subdivision or development, the dedication shall be based on that number. Where no such commitment exists, the dedication shall be based on the maximum number of dwelling units the subdivision will support, exclusive of open space and other public lands. Drainageways, detention basins, wetlands, watercourses, and areas reserved for streets shall not be considered as satisfying land dedication requirements. Whenever a proposed playground, park, or other public open space or recreation area, other than streets or drainageways, designated in the Master Plan, Official Map, or Master Plan component of the City is embraced, all or in part, in the tract of land to be subdivided or platted, these lands shall be made part of the required land dedication. The Plan Commission shall determine the suitability and adequacy of lands proposed for dedication. Lands dedicated for public purposes shall be deeded to the City at the time the plat, Certified Survey, or condominium is approved. All dedicated lands shall have frontage on a public street and shall have unrestricted public access. The subdivider shall install or provide for installation of water and sanitary sewer lines to the property line of the dedicated lands where such services are to be provided to the adjacent properties. (2144 03/09/04)
- (e) When parklands or other public lands are dedicated, the developer is required to: (2144 03/09/04)
1. Properly grade and contour for proper drainage; and
 2. Provide a surface contour suitable for anticipated use of the area; and
 3. Cover areas to be seeded with a minimum of four (4) inches of quality topsoil, seed as specified by the City Engineer, fertilize with 16-6-6 at the rate of 7 pounds per 1,000 square feet and mulched. The topsoil furnished for the park site shall consist of the natural loam, sandy loam, silt loam, silty clay loam, or clay loam humus bearing soils adapted to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline. The City may require certification of compliance by the City Engineer.

(f) Where, in the opinion of the Plan Commission, there is no land suitable for parks or other public open space or recreation uses within the proposed development or where the dedication of land would not be compatible with the City's Master Plan or Park Plan, or where the Plan Commission determines that a cash contribution would better serve the public interest, the Plan Commission shall direct that the developer contribute a payment to the City in lieu of land. This payment shall be determined as provided in §18.07(11). Where a lot or parcel for which payment has once been made is further developed, payment shall be required only for the additional residential dwelling units created. The Plan Commission shall determine whether the developer shall be required to dedicate land or pay a fee in lieu of land dedication. Where the land dedicated to the City contributes less than the full amount required by Subsection (d), the park fee provided by §18.07(11) for each residential dwelling unit shall be reduced by a proportionate amount. The Plan Commission shall also determine the location of sites dedicated to such public uses and the types of uses to which such sites shall be put. In making these determinations, consideration shall be given to the needs of the community in general and of the residents of the proposed development. Consideration shall also be given to the feasibility and practicality of requiring the land dedication and whether the dedication is compatible with the City's Master Plan, zoning regulations, and existing and planned public sites and facilities. (2144 03/09/04)

(g) Land Abutting Lakes and Streams. Whenever feasible, all public access to the low watermark of navigable lakes and streams required by §236.16(3), Wis. Stats., shall be at least 100 feet wide and contain land characteristics acceptable to the Plan Commission. The land lying between the meander line established in accordance with §236.20(2)(g), Wis. Stats., and the water's edge, and any otherwise undevelopable lands which lie between a proposed development and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream. This requirement applies not only to lands proposed to be subdivided, but also to all lands under option to the sub-divider or in which he holds any interest and which are contiguous to the lands proposed to be developed and which abut a lake or stream

as provided in §236.16(4), Wis. Stats. (2144 03/09/04)

(11) PARK FEES. (1640 01/28/92, 1699 08/17/93, 2144 03/09/04)

(a) Fees for Plats or Maps approved before March 15, 2004. All persons subdividing or platting land, including minor land divisions and condominium plats where the final plat or Certified Survey Map was approved and recorded prior to March 15, 2004, for residential purposes within any zoning district within the City shall pay a park fee to the City for each residential dwelling unit as follows:

\$200.00 per single-family dwelling
\$300.00 per two-family dwelling
\$100.00 per each multi-family dwelling.”

(b) Fees for Plats or Maps approved after March 15, 2004. Pursuant to Public Facilities Needs Assessment Report for Park Facilities Improvements and Park Land Fee In Lieu of Land Dedication Report prepared by the City, all persons subdividing or platting land, including minor land divisions and condominium plats where the final plat or Certified Survey Map was approved and recorded after March 15, 2004, for residential purposes, in any zoning district within the City shall pay a park fee to the City for each residential dwelling unit as follows:

\$664.00—for each dwelling unit
For Community-Based Residential Facilities (CBRFs) the fee shall be \$664.00 for every three proposed dwelling units within the plat.

(c) Payment of Fees. Park fees under this Section shall be paid to the City at the time an application is filed for a Building Permit as provided in §17.50 of the Zoning Code or for a Type 1 Manufactured Home Park at the time a manufactured home is placed for occupancy. All park fees collected under the provisions of this Section shall be placed in a nonlapsing special fund for City parks and shall be separate from the City's General Fund and this special fund shall be used exclusively for the acquisition and development of parks, recreation, and other open space areas.

(12) DRAINAGE AND GREENWAY / ENVIRONMENTAL CORRIDOR

- EASEMENTS. Where a subdivision is traversed by a waterway, drainageway, channel or stream, or mapped Greenway/Environmental Corridor, an adequate drainageway or easement shall be provided as required by the Plan Commission conforming substantially with the line of such watercourse. The location, width, alignment and improvement of such drainageway or easement shall be subject to the approval of the Plan Commission. Parallel streets or parkways may be required. Storm water drainage shall be maintained by landscaped open channels of adequate size and grade to accommodate the flow resulting from the 100 year rainfall event of any duration, such sizes and design details to be subject to review and approval by the City Engineer. (2045 01/09/2001)
- (13) EROSION CONTROL. The subdivider shall employ erosion control measures to prevent erosion, siltation, sedimentation, and washing and blowing of dirt and debris from excavation, grading, open cuts, side slopes and related activities of the subdivider or contractors. Such measures shall include, but not be limited to, seeding, sodding, mulching, watering, ponding, and the construction of berms. Erosion Control plans shall meet the requirements of Ch. 14, Subchapter II, Site Construction Code and Ch. 14, Subchapter IV, Storm-water Management. Guidelines, standards and specifications contained in the Soil Conservation Service publication "Minimizing Erosion in Urbanizing Areas", shall provide a framework for the development, review and implementation of the erosion control plan. (2045 01/09/2001)
- (14) INTRA-BLOCK DRAINAGE AND FOUNDATION DESIGN. (2045 01/09/2001)
- (a) At least three weeks prior to submittal of final plat for review and approval, the subdivider shall submit to the City Engineer a Surface Water Drainage Plan for the plat. This plan may be part of the Erosion Control Plan. the plan shall indicate but not be limited to the following: elevation of streets, existing topography of the block, proposed drainage swales, and indication of the direction of drainage.
- (b) Upon approval of the plan, the developer shall place on the final plat arrows to indicate the direction of drainage swales required for intra-block drainage and the following note: "Arrows indicate direction of drainage swale construction during grading and said swales shall be maintained by the lot owner unless modified with approval of the City Engineer."
- (c) A minimum of 10 foot wide drainage easement (5 feet on each side of the property line) shall be retained along all joint property lines on the plat. Such easement shall be designated as a stormwater drainage easement, and shall conform to the drainage plan.
- (d) Where a subdivider's subsoil investigation indicates potential for groundwater less than ten (10) feet from the proposed street center line elevation, the subdivider shall so note on the face of the plat and indicate the lots affected.
- (15) STORMWATER MANAGEMENT. (2045 01/09/2001)
- (a) The following goals and objectives shall apply to stormwater management:
1. To prevent significant loss of life and property due to runoff from any foreseeable rainfall event.
 2. To encourage the design of system which minimize potential erosion and sedimentation problems.
 3. To maintain the water quality of the lake, streams and ponds.
 4. To encourage the design of systems which respond to the need to maintain or enhance ground water resources, including ground water quality, except where land stability might be impaired.
 5. To encourage the design of systems which will reduce capital and environmental costs to the community.
- (b) At the time a preliminary plat, a certified survey, or a planned development is submitted to the Plan Commission for approval, the developer or subdivider shall prepare a study of the drainage basin of the area in which the proposed development is located. The study shall include the design, routing and estimated construction cost of a storm water management system to serve the site and/or drainage basin of the area in which the proposed development is located.

- (c) The proposed development shall not increase stormwater runoff (peak) from that which would have resulted from the same storm occurring over the site with the land in its natural undeveloped state, for storms of a 24 hour duration and all reoccurrence intervals of less than or equal to 100 years. In the case of closed drainage basins, which have no outlets during normal rainfall, the volume of runoff resulting from a ten (10) year storm of 24 hour duration shall not be greater after development than when the land was in its natural undeveloped state.
 - (d) Land in its natural undeveloped state shall mean land which has runoff characteristics equivalent to runoff Curve Numbers (CN) of 30, 58, 71, and 78 for Hydrologic Soil Groups A, B, C, and D, respectively.
 - (e) Determination of storm volumes shall be computed by established procedures equivalent to and calibrated against that procedure promulgated by the United States Soil Conservation Service in its National Engineering Handbook or the technical publication entitled "Urban Hydrology for Small Watersheds, TR-55," and accepted by the City Engineer.
 - (f) Design of stormwater management facilities shall be in accordance with this ordinance and Ch. 14, Subchapter IV, Stormwater Management, and subject to the approval of the Public Safety Committee. Stormwater peaks and volumes shall be addressed either through onsite detention, retention, infiltration, or a combination. It is the intent of these provisions to encourage onsite detention and infiltration to the greatest extent possible.
- (16) **DEBRIS AND WASTE.** No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of the issuance of a Certificate of Occupancy for any lot within the subdivision, and removal of such items and materials shall be required prior to the issuance of any Certificate of Occupancy on any subdivision lot. By the date specified in the Subdivider's Agreement or by the date of dedication of public improvements within the subdivision, whichever is sooner, all lands within the subdivision shall be subject to the following conditions: (2045 01/09/2001)
- (a) None of the items and materials described above shall be left or deposited in any area of the subdivision.
 - (b) All lots shall be graded in accordance with the subdivision grading plan and no piles of dirt shall be allowed.
 - (c) All lands shall be seeded so as to prevent erosion and the owner of each lot or outlot within the subdivision shall keep his/her lot mowed and in compliance with the City's weed control ordinances.
- (17) **LIBRARY FEES.** (2207 09/13/2005)
- (a) Fees for Plats or Maps approved after September 13, 2005. All persons subdividing or platting land, including minor land divisions and condominium plat where the final plat or Certified Survey Map is approved and recorded after September 13, 2005, for residential purposes, in any zoning district, and all persons seeking a building permit for new residential construction after September 13, 2005, such lands being located within the City shall pay a library fee to the City for each residential dwelling unit in the amount of \$415.00.
 - (b) Payment of Fees. Payment of library fees under this Section shall be paid to the City at the time an application is filed for a Building Permit as provided in §17.50 of the Zoning Code or for a Type 1 Manufactured Home Park at the time a manufactured home is placed for occupancy. All library fees collected under the provisions of this Section shall be placed in a non-lapsing special fund for the Baraboo Public Library and shall be separate from the City's General Fund and this special fund shall be used exclusively for the construction, expansion or improvement of the Baraboo Public Library, and as provided for in §66.0617(1)(a), Wis. Stats.
 - (c) Impact fees that are imposed and collected but not used prior to December 31, 2025, for the payment of capital costs associated with library expansion shall be refunded to the current owner of the property with respect to which the impact fees were imposed.
 - (d) Appeals Procedure. Any person believing that the Library Impact fee

has been improperly assessed shall have a right to review and appeal pursuant to Ch. 6 of the Code of Ordinances.

18.08 REQUIRED IMPROVEMENTS.

- (1) **SURVEY MONUMENTS.** The subdivider shall install survey monuments placed in accordance with the requirements of §236.15, Wis. Stats., and as may be required by the City Engineer.
- (2) **GRADING.** After the installation of temporary block corner monuments by the subdivider, establishment of street grades by the City Engineer, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the City Engineer. The subdivider shall grade the roadbeds in the street rights of way to subgrade together with side slopes beyond the street right of way when required. Cut and filled lands shall be graded to a maximum slope of 3:1 or the soil's angle of repose, whichever is the lesser, and covered with permanent vegetation.
- (3) **SURFACING.** After the installation of all utility and storm water drainage improvements, the subdivider shall surface all roadways in streets proposed to be dedicated to the widths prescribed by this section and the General Plan or General Plan components of the City. Said surfacing shall be done in accordance with plans and standard specifications approved by the City Engineer. Existing roadways which do not meet City specifications shall be improved by the subdivider before they will be accepted by the City. The cost of surfacing in excess of 36 feet in width that is not needed to serve the needs of the subdivision shall be borne by the City. The cost of surfacing major streets in excess of 36 feet shall be borne by the City.
- (4) **CURB AND GUTTER.** After the installation of all public utility and storm water drainage improvements, the subdivider shall construct concrete curbs and gutters in accordance with plans and standard specifications approved by the City Engineer. This requirement may be waived where a permanent rural section has been approved by the community. Wherever possible, provisions shall be made at the time of construction for driveway access curb cuts. The cost of installation of all inside curbs and gutters for dual roadway pavements shall be borne by the community unless the developer elects this type of road.
- (5) **STREET CROSS SECTIONS.** When a permanent rural street section has been approved, the subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the City Engineer.
- (6) **SIDEWALKS.**
 - (a) The subdivider shall construct a sidewalk on one side of all frontage streets and both sides of all other streets within the subdivision. The Plan Commission may permit the construction of a sidewalk on only one side of local streets that serve lots having fronting on said street and may waive the construction of sidewalks on collector and local streets that serve lots having an average width of 150 feet or more fronting on said streets. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the City Engineer.
 - (b) Wider than standard sidewalks may be required by the City Engineer in the vicinity of schools, commercial areas and other places of public assemblage; and the Plan Commission may require the construction of sidewalks in locations other than required under the preceding provision of this chapter if such walks are necessary, in their opinion, for safe and adequate pedestrian circulation.
- (7) **PUBLIC SANITARY SEWERAGE.** The subdivider shall construct sanitary sewerage facilities in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision or minor land division. Such facilities shall be designed and constructed in accordance with applicable rules and regulations of Wis. Adm. Code, and in accordance with plans and standard specifications approved by the City Engineer. In addition: (1949 09/08/98)
 - (a) Laterals. The Council shall require the installation of sewer laterals to the street lot line, where practical.
 - (b) Specifications. The location, size, type and installation of all sanitary sewers and sanitary sewer laterals proposed to be constructed shall be in accordance with the City sanitary sewer system plan.
 - (c) Oversized Sanitary Sewer Mains. All sanitary sewer mains in excess of 8 inches in diameter within or abutting the subdivision shall be constructed by

the City and the subdivider shall share in the cost thereof, as provided in sub. (10) below.

- (d) Sanitary Sewer Mains Traversing or Bordering Other Lands. If it is necessary to traverse any unimproved land or to install sanitary sewer mains in a street bordering the subdivision to serve the subdivision with sanitary sewer, the City may install such sanitary sewer mains and the subdivider shall pay the total cost thereof. The City shall reimburse the subdivider to the extent that special assessments can be levied; however, in the event special assessments are deferred, the subdivider shall be reimbursed when the special assessments are paid or when installation payments commence. (1963 12/22/98)

- (e) Lift Stations. In the event a lift station is required to serve the subdivision and other lands or the minor land division and other lands, it shall be constructed by the Subdivider in accordance with the City's Sanitary Sewer System Plan. The subdivider shall pay the cost of the lift station and associated forced main. The City shall reimburse the Subdivider to the extent that special assessments can be levied; however, in the event that special assessments are deferred, the Subdivider shall be reimbursed when the special assessments are paid. (1949 09/08/98)

- (8) **WATER SUPPLY FACILITIES.** The subdivider of land within the sanitary sewer service area of the City shall cause water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot within the subdivision or minor land division. The subdivider of land outside the sanitary sewer service area shall make provision for adequate private water systems in accordance with the standards of the Wisconsin Department of Industry, Labor and Human Relations. In addition:

- (a) Laterals. The Council shall require the installation of water laterals to the street lot line, where practical.
- (b) Specifications. The location, size, type and installation of all public water mains proposed to be constructed shall be in accordance with the comprehensive water plan for the City and with plans and standard specifications approved by the City Engineer.

- (c) Oversized Water Mains. All water mains in excess of 8 inches in diameter in single-family and 2-family residential development areas and larger than 12 inches in diameter in other use development areas within or abutting the subdivision shall be constructed by the City and the subdivider shall share in the cost thereof, as provided in sub. (9) below.

- (d) Water Mains Traversing or Bordering Other Lands. If it is necessary to traverse other unimproved land or to install water mains in a street bordering the subdivision to serve the subdivision with water, the City may install such water mains and the subdivider shall pay the total cost thereof. The City shall reimburse the subdivider to the extent that special assessments can be levied; however, in the event special assessments are deferred, the subdivider shall be reimbursed when the special assessments are paid or when installment payments commence.

- (9) **OVERSIZED SEWER AND WATER MAINS.**

- (a) Mains Within or Abutting Subdivisions. All sewer mains in excess of 8 inches, and all water mains in excess of 8 inches in single-family and 2-family residential development areas and larger than 12 inches in diameter in other use development areas within or abutting the subdivision shall be constructed by the City. The subdivider shall pay the City the cost of an 8 inch equivalent sewer main and an 8 inch or 12 inch equivalent water main, respectively, plus the subdivision's share of said oversizing costs, as determined by dividing the total acreage benefited by the acreage of the subdivision benefited. A special assessment for the remainder of said oversizing costs shall be levied on other lands benefiting from the oversizing.

- (b) Mains Located Outside of Subdivision. In the event that oversized sewer or water mains are constructed outside the subdivision that benefit the subdivision, the subdivider shall pay the City the subdivision's share of such oversizing, as determined in the same manner as provided in par. (a) above.

- (10) **STORM WATER DRAINAGE FACILITIES.**

- (a) The subdivider shall construct storm water drainage facilities which may

- include curbs and gutters, catch basins and inlets, storm sewers, road ditches and open channels, as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate maximum potential volumes of flow; the type of facility required, the design criteria and the sizes and grades to be determined by the City Engineer. Storm drainage facilities shall be so designed as to present no hazard to life or property; and the size, type and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and standard specifications approved by the City Engineer.
- (b) If greater than 24 inch diameter sewers are required to handle the contemplated flows, such sewers shall be constructed by the City and the cost shall be prorated in proportion to the ratio which the total area of the proposed plat is to the total drainage area to be served by such larger sewer, and the excess cost either borne by the City or assessed against the total tributary drainage area.
- (11) CENTRAL WATER SUPPLY FACILITIES.
- (a) The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision. If municipal water service is not available, the subdivider shall make provision for adequate private water systems as specified by the governing body and the State Department of Natural Resources. The Plan Commission shall require the installation of water laterals to the street lot line. The size, type and installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the City Engineer.
- (b) The subdivider shall assume the cost of installing all water mains 8 inches in diameter or less in size. If greater than 8 inch diameter water mains are required the excess cost of such mains over and above the cost of an 8-inch main shall be borne by the utility.
- (12) OTHER UTILITIES. The subdivider shall have arranged with the affected utility companies for gas, electric, telephone or CATV facilities to be installed in such a manner as to make adequate water available to each lot in the subdivision when needed. Where underground utility cables are to be installed in a new residential subdivision, the utility may install conduit for street crossings before the street is surfaced to facilitate later installation of the necessary cable to serve such subdivision or portions thereof. The installation of conduit shall be in lieu of direct installation of the underground cable. Plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to service the plat shall be approved by the City Engineer.
- (13) STREET LIGHTING. Street lights and a street light system shall be installed by the subdivider within the subdivision upon consultation with the utility serving the area and consistent with the utility's standards and compatible with the area being served. The streetlights and street lighting system shall be installed at such locations and designed as specified by the City Engineer and as approved by the Plan Commission and the Council. (1971 04/13/99)
- (14) STREET SIGNS. The subdivider shall install street signs at such locations and design as specified by the City Engineer. (1971 04/13/99)
- (15) IMPROVEMENTS ON BOUNDARIES OF SUBDIVISIONS. Any public improvements occurring on the boundaries of the subdivision shall use normal assessing values for establishing payments.
- (16) TREES. (1971 04/13/99; 2566 12/22/2020)
- (a) The subdivider shall pay a reasonable fee, as determined by the Common Council by way of the Parks and Recreation Committee and as set forth in the City's Official Fee Schedule, for every lineal foot of urbanized road frontage in the subdivision for the purpose of planting street trees. This fee shall be kept in an account by the City until the subdivision can be planted; the fee shall be paid prior to recording of the final plat or CSM.
- (b) Upon written request of a lot owner, with said written request to be received by the City Clerk not less than 30 calendar days prior to the recording of the final plat or CSM, the Common Council, by way of the Finance and Personnel Committee, may permit the fee to be paid by the lot owner at the time of building permit application as their fair share of the subdivision's street tree planting costs.

- (c) Street trees under this Section will be planted by the City, or a designee thereof, according to the City of Baraboo Forestry Management Manual, as updated from time-to-time by the Parks and Recreation Committee.
- (17) **EROSION CONTROL.** The subdivider shall install all temporary and permanent erosion control and sediment control structural aid works as outlined in approved plans required by §18.07(13) (Erosion Control) and Ch. 14, Subchapter IV, Stormwater Management. (2045 01/09/2001)
- (18) **GREENWAYS AND ENVIRONMENTAL CORRIDORS DEDICATION AND RESERVATION.** Greenways and environmental corridors included within land to be divided shall receive the following prescribed treatment by the owner of the subdivision: (2045 01/09/2001)
- (a) The subdivider shall be responsible for an acceptable continuous drainageway through the proposed plat as determined by the City Engineer. The subdivider shall furnish the City Engineer with a plan outlining the greenway/environmental corridor boundaries and the location of existing drainageways. Such areas shall be dedicated or reserved as required by §18.07(12). In addition, the subdivider shall furnish to the City Engineer a set of cross sections (on 50' stations) of the greenway based on City datum oriented upon a base line as prescribed by the City Engineer. Where a natural drainageway exists which has acceptable hydraulic capacities including alignment and grade as determined by the City Engineer, construction will not be required and the existing natural growth shall be preserved. Where such natural growth is not preserved by action of the subdivider or his or her agents, he or she shall be responsible for repairing the disturbed areas by returning them to the original condition by methods approved by the City Engineer. When it is determined by the City Engineer that the hydraulic capacities including alignment and grade are not acceptable, then such alignment, grade and slopes shall be improved by the subdivider to the cross section specified by the City Engineer.
 - (b) The subdivider shall install permanent pipes or culverts at a grade designated by the City Engineer under all streets crossing a greenway or drainageway. Said installation shall be in accordance with the State of Wisconsin Specifications for Road and Bridge Construction. Culverts required across intersections for temporary street drainage shall be furnished and installed by the developer. All temporary culverts installed by the developer shall be completely removed when the streets are constructed to City standards and the area restored to as nearly original condition as possible, as determined by the City Engineer.
 - (c) In order to assure proper drainage, the ground elevation along any lot line common with the boundary of a greenway/environmental corridor shall be to an elevation established by the City Engineer. All lot grading and building elevations shall provide for positive drainage. Grading or filling within the greenway/environmental corridor limits is prohibited.
 - (d) Greenways/environmental corridors shall be limited to public uses.
- 18.09 CONSTRUCTION.**
- (1) **COMMENCEMENT.** No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat or certified survey map has been approved and the City Engineer has given written authorization. Inspection fees shall be required as specified in §18.10 of this chapter.
 - (2) **BUILDING PERMITS.** No building permits shall be issued for erection of a structure on any lot not of record until all the requirements of this chapter have been met unless otherwise provided for in the subdivider's agreement. In exceptional circumstances, the Board of Public Works may authorize the issuance of a building permit prior to the completion of all improvements; however, no occupancy permit shall be issued prior to the completion of all improvements.
 - (3) **PLANS.** The following plans and accompanying construction specifications may be required by the City Engineer before authorization of construction or installation of improvements:
 - (a) Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.
 - (b) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
 - (c) Storm sewer plans and profiles showing the locations, grades, sizes, cross sections,

elevations, and materials of required facilities.

- (d) Planting plans showing the locations, age, and species of any required trees.
 - (e) Additional special plans or information as required; where required by State agencies, such plans shall be approved by such agencies prior to the commencement of construction.
- (4) INSPECTION. The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the City Engineer to provide for adequate inspection. The Engineer shall inspect and approve all completed work prior to approval of the final plat or release of the sureties.

18.10 FEES FOR PLAT REVIEW AND DEVELOPMENT. (1909 06/11/97, 2040 12/19/2000, 2231 07/25/2006)

- (1) At the time of filing an application for a preliminary plat, or a certified survey map that requires the dedication of public improvements, the applicant shall also execute a Developer's Agreement for the Payment of Costs with the City, in a form from time to time approved by the Common Council. In this Agreement the developer shall commit to reimburse the City for all administrative, engineering, inspection and legal fees incurred in the review of the preliminary plat or certified survey map and any other developer's agreement associated with the project and land division. Further, the developer shall deposit with the City Clerk a cashier's check or cash in an amount estimated by the City Engineer to cover such costs. The City Clerk shall draw against such de-posit for payment of all administrative, engineering, inspection, legal costs, as well as the cost of negotiating and preparing a general developer's agreement for the project, and any other costs incurred by the City in reviewing the preliminary plat or certified survey map. If at any time prior to final approval of the preliminary plat or completion and acceptance of public improvements the deposit shall be insufficient to reimburse the City for its expenses, the developer shall deposit additional security, based upon the estimate of the City Engineer, within 15 days of receiving notice from the City Clerk. The City Clerk shall provide a breakdown of the application of the deposit to costs. Within 15 days of receipt of such breakdown, the developer may appeal the value of the total costs to the Administrative Review Committee.
- (2) The City of Baraboo's Official Fee Schedule shall be revised to reflect the provisions of this ordinance.

18.11 DEFINITIONS. For the purpose of this chapter, the following definitions shall be used:

- (1) ADVISORY AGENCY. Any agency, other than an objecting agency, to which a plat or certified survey map may be submitted for review and

comment. An advisory agency may give advice to the City and may suggest that certain changes be made to the plat or certified survey map, or it may suggest that a plat or certified survey map be approved or denied. Suggestions made by an advisory agency are not, however, binding on the Council or on the Plan Commission. Examples of advisory agencies include the U.S. Soil Conservation Service, local school boards and local utility companies.

- (2) ALLEY. A special public way affording only secondary access to abutting properties.
- (3) BUILDING LINE. A line parallel to a lot line and at a distance from the lot line to comply with the yard requirements of the Zoning Code.
- (4) CERTIFIED SURVEY MAP. A map of a land split prepared in accordance with §236.34, Wis. Stats., and §18.09 of this chapter.
- (5) CUL DE SAC. A local street with only one outlet and having an appropriate turnaround for the safe and convenient reversal of traffic movement.
- (6) DIVISION OF LAND. A division of a lot, parcel, or tract of land by the owner thereof or the owner's agent for any purpose, including sale or development. (1909 06/11/97)
- (7) DRAINAGEWAY. A manmade improvement intended to convey water within or through a subdivision during periods of high runoff. Drainageways will normally be dry for long periods of time. Drainageways are usually privately owned and protected by easements; however, some major drainageways may be dedicated. Drainageways may also be called drainage swales or grass waterways.
- (8) DWELLING UNIT. A structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one person or by two or more persons maintaining a common household, to the exclusion of all others. (1909 06/11/97)
- (9) EXTRATERRITORIAL PLAT APPROVAL JURISDICTION. The unincorporated area within 1½ miles of a fourth class City or a Village and within 3 miles of all other Cities. (1909 06/11/97)
- (10) FINAL PLAT. A map prepared in accordance with the requirements of Ch. 236, Wis. Stats., and this chapter for the purpose of dividing larger parcels into lots and conveying those lots. The lines showing where lots and other improvements are located are precise.
- (11) GENERAL PLAN. The extensively developed plan, also called a master plan, adopted by the

Plan Commission and certified to the Council, pursuant to §62.23, Wis. Stats., including proposal for future land use, transportation, parks and recreation, urban redevelopment and public facilities. Devices for the implementation of these plans such as zoning, official map and land division ordinances, and capital improvement programs shall also be considered a part of the General Plan.

- (12) LOT. A parcel of land of at least sufficient size to meet the minimum lot size requirements of this Code for lots or parcels not served by a public sanitary sewer system and the minimum zoning requirements set forth in the zoning code for lots served by a public sanitary sewer system. (1909 06/11/97)
- (13) LOT, CORNER. A lot abutting 2 or more streets at their intersection provided that the corner of such intersection shall have an angle of 135° or less, measured on the lot size.
- (14) LOT, DOUBLE FRONTAGE. A lot, other than a corner lot, with frontage on more than one street. Double frontage lots shall normally be deemed to have 2 front yards and 2 side yards and no rear yard. Double frontage lots shall not generally be permitted unless the lot abuts a major street. Double frontage abutting major streets should restrict direct access to the major street by means of a planting buffer or some other acceptable access buffering measure.
- (15) LOT, REVERSE FRONTAGE. A corner lot with no provision for extra width to permit side yard to be same as front yards on that side.
- (16) MASTER PLAN. An extensively developed plan, map or other document pertaining to planning and adopted by the Plan Commission which may pertain to the division of lands, including the Official Map, comprehensive development plans, and other planning documents including proposals for future land use, transportation, urban development, parks and public facilities. Devices for the implementation of these plans, such as ordinances pertaining to zoning, Official Map, subdivision and land development, building development and capital improvement plans shall be considered as planning documents within this definition. (1909 06/11/97)
- (17) MINOR LAND DIVISION. The division of a parcel or tract of land by the owner or subdivider or their agent for the purpose of sale or of building development where the act of division creates or results in the creation of not more than four parcels or building sites, any one of which is 35 acres in size or less in area, or the division of a block, lot or outlot within a recorded subdivision plat into not more than four parcels or building sites without changing the exterior boundaries of said block, lot or outlot. (1909 06/11/97)
- (18) MULTIPLE FAMILY DWELLING. An apartment building, row house, townhouse, condominium or manufactured building as defined in §101.71(6) Wis. Stats. that consists of 3 or more attached dwelling units. (1909 06/11/97)
- (19) OBJECTING AGENCY. An agency empowered to object to a subdivision plat pursuant to Ch. 236, Wis. Stats. The City may not approve any plat upon which an objection has been certified until the objection has been satisfied. On any plat, the objecting agencies may include the Wisconsin Department of Development, the Wisconsin Department of Transportation, the Wisconsin Department of Natural Resources, the Wisconsin Department of Industry, Labor and Human Relations.
- (20) OFFICIAL MAP. A map indicating the location, width, and extent of existing and proposed streets, highways, drainage ways, parks, playgrounds and other facilities, as adopted by the Common Council pursuant to Ch. 62, Wis. Stats. (1909 06/11/97)
- (21) OWNER. Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, limited liability company, public or quasi-public corporation, or combination of these, having any pecuniary interest in lands regulated by this chapter. (1909 06/11/97)
- (22) PARCEL. Contiguous lands under the control of a subdivider not separated by streets, highways or railroad rights-of-way. Also referred to as a lot. (1909 06/11/97)
- (23) PLAT. This term includes a map of a subdivision or minor land division. (1909 06/11/97)
- (24) PRELIMINARY PLAT. A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration. A preliminary plat precisely describes the location and exterior boundaries of the parcel proposed to be divided and shows the approximate location of lots and other improvements.
- (25) PUBLIC SANITARY SEWER SYSTEM means a Wastewater Treatment Plant and appurtenances licensed by the Wisconsin Department of Natural Resources and owned and operated by a city, village, or town. (1971 04/13/99)

- (26) **PUBLIC WAY.** Any public road, street, highway, walkway, drainageway or part thereof.
- (27) **REPLAT.** The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat, certified survey map or part thereof. The division of a large block, lot or outlot within a recorded subdivision plat or certified survey map without changing the exterior boundaries of said block, lot or outlot is not a replat.
- (28) **RESERVATION.** A means of setting aside a parcel of land for a specific use in the future. Counter to the principle of dedication, the land is not owned by the public and must be purchased or released from reservation at some future date. The date by which the land must be purchased may be specified in the reservation.
- (29) **STREET, ARTERIAL.** A street used, or intended to be used, primarily for fast or heavy through traffic. An arterial street shall include freeways and expressways as well as standard arterial streets, highways and parkways.
- (30) **STREET, COLLECTOR.** A street used, or intended to be used, to carry traffic from local streets to the major system of arterial streets including the principal entrance streets to residential developments.
- (31) **STREET, FRONTAGE.** A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.
- (32) **STREET, LOCAL.** A street used, or intended to be used, primarily for access to abutting properties.
- (33) **SUBDIVIDER.** Any person or his agent dividing or proposing to divide land resulting in a subdivision, minor land division (certified survey map) or replat.
- (34) **SUBDIVISION.** See §236.02(12), Wis. Stats. The term “subdivision”, as used in this chapter shall further mean the division or subdivision of a parcel or tract of land by the owner or subdivider thereof, or the owner’s or subdivider’s agent, for the purpose of sale or of building development, where: (i) the act of division creates five or more parcels or building sites any one of which is 35 acres in size or less in area; or (ii) five or more parcels or building sites any one of which is 35 acres in size or less in area are created by successive divisions within a period of five years. (1909 06/11/97)

18.12 VIOLATIONS. It shall be unlawful to build upon, divide, convey, record or place monuments on any land in violation of this chapter or the Wisconsin

Statutes; and no person shall be issued a building permit by the City authorizing the building on, or improvement of, any subdivision, minor land division or replat within the jurisdiction of this chapter not of record as of the effective date of this chapter until the provisions and requirements of this chapter have been fully met. The City may institute appropriate action or proceedings to enjoin violations of this chapter or the applicable Wisconsin Statutes.

18.13 PENALTIES AND REMEDIES.

- (1) **PENALTY.** Any person who violates or fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit not less than \$100 nor more than \$500, together with the costs and assessments as provided by §25.04(1) of this Code. The penalty for default of payment of such forfeiture, costs and assessments shall be imprisonment in the County Jail until payment thereof, but not exceeding 6 months. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties shall include the following:
 - (a) Recordation improperly made carries penalties as provided in §236.30, Wis. Stats.
 - (b) Conveyance of lots in unrecorded plats carries penalties as provided for in §236.31, Wis. Stats.
 - (c) Monuments disturbed or not placed carries penalties as provided for in §236.32, Wis. Stats.
- (2) **REMEDY.** An assessor's plat made under §70.27, Wis. Stats., may be ordered as a remedy by the City at the expense of the subdivider when a subdivision, as defined herein, is created by successive divisions.
- (3) **SEVERABILITY AND CONFLICT.** If any section, subsection, sentence, clause or phrase of this Ordinance or chapter is for any reason held to be invalid or unconstitutional by reason of any decision of any Court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof and to this extent, the provisions of this Subchapter shall be severable.